

# UNDERSTANDING JUDICIAL DIVERSION

What is it?

- A probation period in which your case is dismissed at the end
- A second chance for first-time offenders
- Also called "40-35 diversion"

Do I qualify?

- No prior use of judicial diversion or pretrial diversion
- No prior sentence of jail time for an A-misdemeanor or a felony
- Must apply for eligibility through the Tennessee Bureau of Investigations (TBI) -- cost: \$100.00

Why do it?

- To avoid a criminal conviction
- If you complete your probation successfully (no violations), then your case is dismissed and your record can be expunged.



***If you violate the terms of your probation or do not complete the requirements set by the court or your plea agreement, YOUR GUILTY PLEA MAY BECOME FINAL, AND YOUR PROBATION MAY BE REVOKED.***

## Successful Probation Is

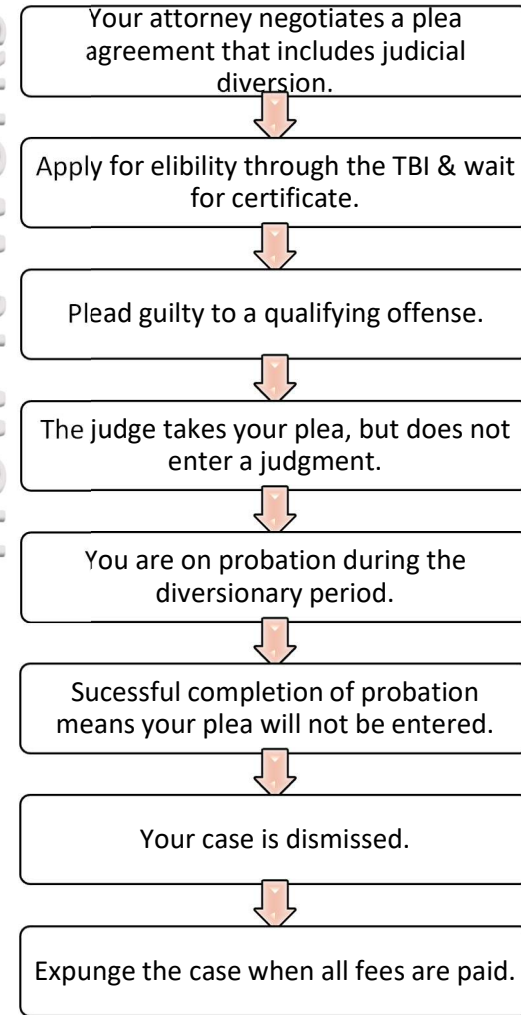
Following all probation rules

Passing drug tests & any other required checks

Completing any required classes or treatment

Lawful behavior (no new arrests)

How It Works



You can only use diversion ONCE. If you have a probation-only plea offer on a minor crime, consider "saving" your diversion.



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This is not intended as legal advice. Your use of this resource does not create an attorney-client relationship. Please consult an attorney if you are charged with a crime.

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